

California Biodiversity Council

February 13, 2003

Sacramento, California

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Environmental Justice Movement began as a grassroots response to...

- Unequal enforcement of environmental, civil rights, and land use laws
- Disparities regarding environmental harms and benefits
- Differential exposure of some communities in the home, school, neighborhood and workplace
- Faulty assumptions in calculating and assessing risks
- Discriminatory zoning and land use practices
- Exclusionary policies and practices that limit public participation

Environmental Justice Issues

- Involve emotion, race, poverty and power
- Raise broad community concerns
- Are sometimes difficult to identify
- Usually cross government agency boundaries
- Often reveal lack of trust in institutions
- Take time and excellent communication skills
- Don't lend themselves to any "one" solution
- Often involve legal authorities
- Is about where people live, work, learn, and play

Federal Executive Order 12898 (1994)

- Directs EPA & other federal agencies:
 - “(t)o greatest extent practicable and permitted by law... (to) make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations
- Addresses income as well as race & ethnicity
- Doesn't expand agency authorities beyond existing law

Federal Agencies Required to Develop Environmental Justice Strategies to

Promote enforcement in areas with minority & low-income populations

Ensure greater public participation

Improve research and data collection relating to health & environment of minority & low-income populations

Identify differential patterns of natural resource consumption

Some Federal Authorities That Have Been Used to Further EJ

- Executive Order 12898 (1994)
- Title VI of the 1964 Civil Rights Act
- US Clean Water Act
- US Clean Air Act
- National Environmental Policy Act
- Resource Conservation & Recovery Act

Since 1999, eight laws passed in California specifically regarding EJ

- OPR - Central Coordination
- CalEPA - Interagency EJ Strategy
- Local Government - Investigate and clean up small parcels
- OPR - General Plan Guidelines
- Local Air Districts - Expenditure of emission reduction funds
- Integrated Waste Board - Models for siting landfills
- CalEPA - EJ Small Grant Program
- State Government - Equity as one of three state planning priorities

Environmental Justice Defined

Environmental Justice (EJ) is the fair treatment of people of all races, cultures and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies.

Government Code §65040.12(c) (SB 115, Solis, 1999)

OPR's Role in EJ

- Consult: with the Secretaries of the CalEPA, Resources Agency, Trade and Commerce Agency, Business, Transportation, and Housing Agency and any other appropriate state agencies, and all other interested members of the public and private sectors.
- Coordinate: efforts and share information regarding environmental justice programs with the Council on Environmental Quality (CEQ), the US EPA, the General Accounting Office, the Office of Management and Budget and other federal agencies.

Which Agencies Need to Consider EJ?

If government agencies do any of the following, the probability of EJ issues and/or concerns arising is high, if their actions have an impact on the environment or on environmental laws or policies

- Make or fund land use decisions
- Make permitting decisions
- Write or produce regulations
- Interact with the public on issues
- Provide funding for activities
- Make discretionary decisions or take actions

How does OPR coordinate State Agency EJ Efforts?

- Briefings for Department Directors & staff
- Training for State Agency Staff
- Identifying Models for Successful EJ Work
- Consultation regarding Policy Development
- Integration into ongoing State Agency Processes

Examples of OPR's Efforts

- State Agency Policy Development
- Environmental Goals and Policy Report (EGPR)
- General Plan Guidelines

Topics Addressed in State Agency EJ Policies/Statements

- Access to Information, including language access
- Public Participation
- Examination of Legal Framework
- Identification of Data Gaps
- Mitigation Strategies
- Employee Training

Environmental Goals and Policy Report

Sets out broad goals, policies and decisions of state government related to statewide growth and development and preservation of environmental quality

- Blueprint for 3E's: Environment, Economy, Equity
- Provides guidance for:
 - ✓ potential legislative action
 - ✓ all levels of governments
 - ✓ state functional plans
 - ✓ allocation of state resources

Government Code § 65041-65049

EJ Considered in General Plans

- AB 1553 requires OPR by July 1, 2003 to include EJ concepts and considerations in the next update of the guidelines.
- Guidelines will address such matters as
 - equitable distribution of new public facilities and services
 - promotion of more livable communities by expanding opportunities for transit-oriented development.
- Draft Guidelines will be available in Spring 2003 for additional public comments.

What Can Decision-Makers Do?

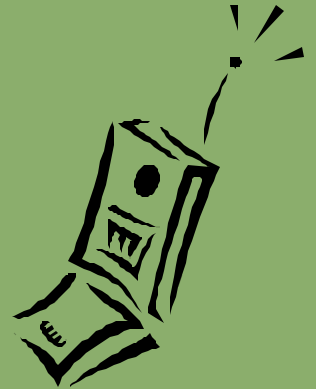
- Educate themselves about community views and issues
- Welcome public into the process
- Clearly communicate scope of governmental authority and limitations
- Examine legal authorities
- Institutionalize environmental justice “thinking” into organization
- Coordinate with other agencies, elected officials and local groups

How to Reach the EJ Program at OPR



(916) 322-2318

www.opr.ca.gov



Environmental Justice Matters!!!

